

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ESTATE OF MIGUEL ROBLES by)	
Maria Montiel as next of kin and)	
surviving spouse of Miguel Robles; and)	
MARIA MONTIEL)	No. 3-11-0399
)	
v.)	
)	
VANDERBILT UNIVERSITY)	
MEDICAL CENTER; TEJAL)	
BRAHMBHATT, M.D.; LAUREN)	
HUBBARD ADCOCK, R.N.; and)	
MICHAEL FISCHER, R.R.T.)	

ORDER AND AUTHORIZATION FOR MEDICAL RECORDS, EDUCATIONAL
RECORDS, AND/OR EMPLOYMENT RECORDS

Come now the Plaintiffs Maria Montiel, as next of kin and surviving spouse of Miguel Robles, and Maria Montiel, Individually, by and through their attorney The Law Offices of Morgan Adams and Defendants, by and through their attorneys Walker, Tipps & Malone, PLC, and state that the parties agree that the Defendants should have an Order, Authorization and/or Release allowing them or their attorneys to acquire the medical records, educational records, and/or employment records of decedent Miguel Robles, DOB: xx/xx/1962 and SSN: xxx-xx-9486, which are in the possession of any of his doctors, nurses, hospitals, or other health care providers; educational establishments, or past, present, or potential employers.

THEREFORE, IT IS ORDERED that Defendants and/or their attorneys are hereby authorized to inspect, reproduce, and copy all of the medical records, educational records, and/or employment records of Miguel Robles, DOB: xx/xx/1962 and SSN: xxx-xx-9486, which are in the possession of any doctor, nurse, hospital, or any other health care provider; any past, present or potential employer; and/or any educational establishment. It is

ORDERED that said doctors, nurses, hospitals, other healthcare providers or their employees are ordered and authorized to release said records; that said past, present, or potential employers or

their employees are ordered and authorized to release said records; and that said educational establishments are ordered and authorized to release all said records pertaining to Miguel Robles to the Defendants and/or their attorneys. It is

ORDERED that all such records acquired per this Order will be paid for by the Defendants and/or their attorneys Walker, Tipps & Malone, PLC and that copies will be provided by them to Plaintiffs' counsel within 20 days from their receipt of same with a "Bates" stamp number or other numbering sufficient to identify each such page in numerical order. However, if any such records are obtained by defense counsel less than 30 days prior to a hearing, deposition, or trial, they shall be furnished to counsel for the Plaintiffs immediately without a "Bates" stamp number. Defendants/Defendants' counsel will not review any records that are not copied and provided to Plaintiffs' counsel under this Order. It is

ORDERED in accordance with the Health Insurance Portability and Accountability Act ("HIPAA"), 45 C.F.R. §§ 160 and 164, Plaintiffs hereby acknowledge, through counsel, that any medical records obtained or released per this Order shall be used for purposes of the above-styled lawsuit. Plaintiffs also acknowledge, through counsel, that any request for medical records shall include all records pertaining to treatment rendered to Miguel Robles, irrespective of type of treatment or the time the services were rendered. Plaintiffs further acknowledge, through counsel, that the records obtained per this Order may be disseminated to the Defendants, defense counsel, and agents and/or associates of defense counsel, including, but not limited to, their expert witnesses, and that any such records disseminated will no longer be protected by HIPAA privacy standards.

In further accordance with HIPAA, counsel for the Defendants hereby acknowledge that their dissemination of records obtained per this Order shall be limited to the Defendants, said attorneys and their agents, representatives, and expert witnesses. It is

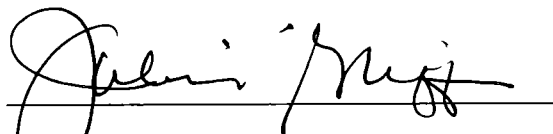
ORDERED THAT THIS Order and Authorization is not a waiver of Mr. Robles' right of privacy or Mr. Robles' covenant of confidentiality with his physicians or other healthcare providers. Plaintiffs' counsel hereby advises all of Mr. Robles' healthcare providers, including, but not limited

to, all of his physicians; all of his past, present, or potential employers; and all of his educational establishments, that this Agreed Order does not authorize them or any of their employees to have any *ex parte* or private communications with any of the Defendants, Defendants' attorneys, and/or their agents, unless Plaintiffs' counsel is also present. However, the Defendants and former and current employees of the Defendants are not precluded from having *ex parte* communications with the defendants, their representatives, or their attorneys. It is

ORDERED that this Order shall expire upon final disposition of this case and that the Defendants, defense counsel, and their agents shall be prohibited from using this Order thereafter and that they shall destroy all copies of all records obtained per this Order no later than one (1) year after the time for any appeal of this case has expired. It is

ORDERED that the Defendants and defense counsel stipulate that all records obtained per this Order from any doctor, nurse, hospital, or other healthcare provider; any past, present, or potential employer; or any educational establishment are authentic and have been kept in the regular course of business, without the trial or deposition testimony of the custodian of said records. However, either party may object, at least 90 days prior to trial, to whether the documents are kept in the regular course of business after review of such document.

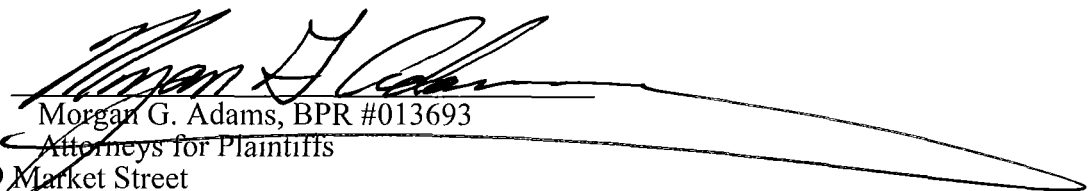
IT IS SO ORDERED.


JULIET GRIFFIN
United States Magistrate Judge

APPROVED FOR ENTRY:

LAW OFFICES OF MORGAN G. ADAMS

BY:


Morgan G. Adams, BPR #013693

Attorneys for Plaintiffs

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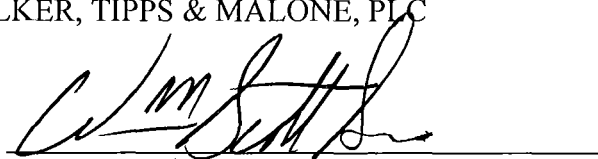
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